

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 17-116 OF THE CODE OF LAWS AND ORDINANCES RELATING TO THE PALM BEACH COUNTY GOVERNMENT "TOURIST DEVELOPMENT ORDINANCE," RELATING TO THE TOURIST DEVELOPMENT TAX LEVIED PURSUANT TO THE "LOCAL OPTION TOURIST DEVELOPMENT ACT," AMENDING THE TOURIST DEVELOPMENT PLAN BY PROVIDING FOR A REALLOCATION OF EXPENDITURES OF TAX REVENUES, PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 17-116 of the Code of Laws and Ordinances relating to the Palm Beach County Government/Ordinance 95-30, as amended, the Tourist Development Ordinance of Palm Beach County, Florida (hereinafter "Ordinance"), levied a four percent (4%) Tourist Development Tax ("Bed Tax") for certain permissible uses as set forth in Section 125.0104, Florida Statutes; and

WHEREAS, the Ordinance established the Tourist Development Plan (hereinafter "Plan") which sets forth the specific uses and allocation of the revenues of the Bed Tax; and

WHEREAS, the Plan currently provides that Two Hundred Fifty Thousand Dollars (\$250,000) of the first three (3) cents/three percent (3%) of the Bed Tax revenues shall be expended for sports events and activities (hereinafter "Additional Expenditure for Sports Events and Activities"); and

WHEREAS, the Additional Expenditure for Sports Events and Activities sunsets on September 30, 2004; and

WHEREAS, the Tourist Development Council (hereinafter "TDC") has reviewed the use of Bed Tax revenues for sports events and activities and has determined that sports events and activities directly promote Palm Beach County tourism; and

WHEREAS, the TDC has recommended that the Plan for the expenditure of the first three (3) cents be amended, effective October 1, 2004, by increasing the annual percentage allocated to Category G and proportionately decreasing the percentages for the uses set forth in Category A, B, C, and D; and

1 **WHEREAS**, the TDC has reviewed the proposed changes to the Plan and has
2 recommended amendment of the Palm Beach County Code/Tourist Development Ordinance to
3 incorporate these changes; and

4 **WHEREAS**, the Board of County Commissioners hereby finds that these revisions to the
5 Plan will advance, further and promote Palm Beach tourism.

6 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
7 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA**, that:

8 **Section 1.** Section 17-116, Tourist Development Plan, Subsection (b), Use and Allocation
9 of Initial 3% Tax, is hereby amended to read as follows:

10 The following categories of use of the initial three percent (3%) tax are hereby set forth
11 together with the percentage of the total amount of yearly revenue to be expended for, or credited
12 to each category, subject to the provisions of Subsection (c) of this Section 17-116, commencing
13 October 1, 2004:

14 (1) Category A: Promote and advertise county tourism in the state and nationally
15 and internationally, including the provision of a convention and visitors bureau and tourism
16 information center: 52.47%

17 (2) Category B: Provide for cultural and fine and non-fine arts entertainment,
18 festivals, programs, and activities which directly promote county tourism: 22.51%

19 (3) Category C: Provide for beach improvement, maintenance, renourishment,
20 restoration and erosion control with an emphasis on dune restoration where possible: 14.1%

21 (4) Category D: Provide for film and television marketing and development
22 activities which directly promote county tourism: 3.92%

23 (5) Category E: Provide for special major projects and events which directly
24 further, advance, improve, promote and generate county tourism. To be selected and funded
25 pursuant to Subsection (c) of this Section 17-116.

26 (6) Category F: Provide for the operation and maintenance of a convention center.
27 To be funded pursuant to Subsection (c) of t his Section 17-116.

28 (7) Category G: Attract, stimulate, market and execute sports events and activities
29 in order to promote the county nationally and internationally as a sports destination including the

1 financing of the construction of Blum Stadium, a sports stadium, all which directly promotes
2 county tourism: 7%

3 **Section 2:** Section 17-116, Tourist Development Plan, Subsection (c)(2), *Additional*
4 *Expenditure for Sports Events and Activities*, is hereby deleted in its entirety.

5 **Section 3. REPEAL OF LAWS IN CONFLICT:** All local laws and ordinances
6 applying to the unincorporated area of Palm Beach County in conflict with any provision of this
7 Ordinance are hereby repealed to the extent of any such conflict.

8 **Section 4. SAVINGS CLAUSE:** The Provisions of the repealed ordinances are
9 reenacted herein and shall continue in full force and effect without interruption with such
10 modifications as contained in this Ordinance. This Ordinance is a continuation of the former
11 Ordinances and all rights and liabilities under the former Ordinances are preserved and may be
12 enforced.

13 **Section 5. SEVERABILITY:** If any section, paragraph, sentence, clause, phrase, or
14 word of this Ordinance is for any reason held by a Court to be unconstitutional, inoperative, or
15 void, such holding shall not affect the remainder of this Ordinance.

16 **Section 6. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

17 The provisions of this Ordinance shall become and be made a part of the Code of Laws and
18 Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered
19 or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article,"
20 or other appropriate word.

21 **Section 7. ENFORCEMENT:** This Ordinance is enforceable by all means provided by
22 law. Additionally, the County may choose to enforce this penalty by seeking injunctive relief in the
23 Circuit Court of Palm Beach County.

24 **Section 8. PENALTY:** Any person convicted of violating any portion of this Ordinance
25 shall be punishable as provided by law.

26 **Section 9. APPLICABILITY:** This Ordinance shall be applicable in the unincorporated
27 and incorporated areas of Palm Beach County.

28 **Section 10. EFFECTIVE DATE:** The provisions of this Ordinance shall become
29 effective upon filing with the Department of State.

1 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm Beach
2 County, Florida, on this the 30 day of March, 2004.

3
4 DOROTHY H. WILKEN, CLERK PALM BEACH COUNTY, FLORIDA, BY ITS
5 BOARD OF COUNTY COMMISSIONERS

6 By: Linda C. Hudson By: Tony Masilotti
7 Deputy Clerk Tony Masilotti, Vice Chair

8 APPROVED AS TO FORM AND
9 LEGAL SUFFICIENCY

10 By: Maureen Cullen
11 County Attorney

12 **EFFECTIVE DATE:** Filed with the Department of State on the 1 day of
13 April, 2004.

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STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on March 30, 2004
DATED at West Palm Beach, FL on 4/8/04
DOROTHY H. WILKEN, Clerk
By: Wiane Brown D.C.